

1 Honorable John H. Chun  
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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 KURT BENSHOOF, ARW. By and Through  
9 His Father, KURT A. BENSHOOF,

10 Plaintiffs,

11 v.

12 MARSHALL FERGUSON, *et al.*,

13 Defendants.

No. 2:24-cv-00808-JHC

DEFENDANT JESSICA SKELTON'S  
REPLY IN SUPPORT OF MOTION TO  
DISMISS UNDER FRCP 12(b)(6)

NOTE ON MOTION CALENDAR:  
August 8, 2024

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15 Defendant Jessica A. Skelton ("Defendant or "Skelton") acknowledges that Plaintiff Kurt  
16 Benshoof is currently incarcerated and that a "Next Friend," on behalf of Plaintiff, has asked that  
17 this matter be stayed until Plaintiff can resume his adjudication of this matter. Dkt. #34. However,  
18 in an abundance of caution, Ms. Skelton submits this timely Reply, asking this Court to dismiss  
19 all of Plaintiffs' claims against her as set forth in her pending motion. Dkt. #27.

20 As discussed in Ms. Skelton's motion, Plaintiff has named this Defendant without any valid  
21 legal bases for his claims. Moreover, under Local Civil Rule 7(b)(2), "Except for motions for  
22 summary judgment, if a party fails to file papers in opposition to a motion, such failure may be  
23 considered by the court as an admission that the motion has merit." LCR 7(b)(2). Should this Court  
24 decline to stay these proceedings, Ms. Skelton asks the Court to consider that Plaintiff has failed  
25 to respond to this motion and therefore such failure is an admission of merit. As a result, the  
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1 Complaint as to Ms. Skelton should be dismissed in its entirety, with prejudice, under Federal Rule  
2 of Civil Procedure 12(b)(6).

3 I certify that this memorandum contains 192 words, in compliance with the Local Civil  
4 Rules.

5 DATED this 8<sup>th</sup> day of August, 2024.  
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7 PACIFICA LAW GROUP LLP  
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9 By /s/ Sarah S. Mack  
10 Sarah S. Mack, WSB#32853  
11 Attorney for Defendant Jessica Skelton  
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